

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
MONDAY, MARCH 22, 2004 AT 2:00 P.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

ITEM-1: ROLL CALL.

ITEM-10: INVOCATION.

ITEM-20: PLEDGE OF ALLEGIANCE.

=== LEGISLATIVE SCHEDULE ===

Special Orders of Business

ITEM-30: Approval of Council Minutes.

ITEM-31: Lyric Opera San Diego 25th Anniversary Day.
DEPUTY MAYOR ATKINS' RECOMMENDATION: Adopt the
resolution.

NON-AGENDA PUBLIC COMMENT

Non-agenda public comment is taken on Tuesday pursuant to the San Diego Municipal Code Section 22.0101.

REQUESTS FOR CONTINUANCE

The Council will now consider requests to continue specific items.

=== LEGISLATIVE SCHEDULE (Continued) ===

Adoption Agenda, Consent Items

- ITEM-50: Dedicating City-Owned Land, Black Mountain Park, for a Public Park.
Rancho Penasquitos Community Area. (Dist. 1)
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance which
was introduced on 3/8/2004.
- ITEM-100: Agreement with DeLoitte and Touche, LLP for Audit and Expert Witness
Fees related to the Case of City vs. Civic Center Associates.
CITY ATTORNEY'S RECOMMENDATION: Adopt the resolution.
- ITEM-101: Participation Agreement with Naval Housing Developer for the Design
and Construction of the Wastewater Mains at the Liberty Station.
Peninsula Community Area. (Dist. 2)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-102: Easement Deeds for Sewer and Water Group 675. Peninsula and
Roseville Community Areas. (Dist. 2)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-103: Street Dedication and Naming Rancho Toyon East of Toyon Mesa Court.
Carmel Valley Community Area. (Dist. 1)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-104: Justice Judith L. Haller Day.
COUNCILMEMBER PETERS' RECOMMENDATION: Adopt the
resolution.
- ITEM-105: National Ataxia Foundation.
COUNCILMEMBER MADAFFER'S RECOMMENDATION: Adopt the
resolution.
- ITEM-106: Appointment and Reappointments to the Balboa Park Committee.
MAYOR MURPHY'S RECOMMENDATION: Adopt the resolution.

=== LEGISLATIVE SCHEDULE (Continued) ===

Adoption Agenda, Consent Items (Continued)

- ITEM-107: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico. (Dist. 8)
TODAY'S ACTION IS: Adopt the resolution.
- ITEM-108: Declaring a Continued State of Emergency due to Economic Circumstances in the San Diego-Tijuana Border Region. (Dist. 8)
TODAY'S ACTION IS: Adopt the resolution.
- ITEM-109: Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).
TODAY'S ACTION IS: Adopt the resolution.
- ITEM-110: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.
TODAY'S ACTION IS: Adopt the resolution.

Adoption Agenda, Discussion, Other Legislative Item

- ITEM-200: Red Light Photo Enforcement Program.
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.

Special Hearing, Discussion

- ITEM-201: Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8 - Qualcomm Stadium.
There is no Council discussion of this item. The City Council's actions are: 1) Open the Public Hearing and accept testimony from any members of the public wishing to address the City Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matter to Closed Session.

=== LEGISLATIVE SCHEDULE (Continued) ===

Public Notice

ITEM-250: Notice of Completion and Acceptance of Subdivision Improvement Agreement. Torrey Hills Unit No. 19.

Non-Docket Items

Adjournment in Honor of Appropriate Parties

Adjournment

=== EXPANDED CITY COUNCIL AGENDA ===

SPECIAL ORDERS OF BUSINESS

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS:

Approval of Council Minutes for the meetings of:

3/01/2004 - Adjourned

3/02/2004 - Adjourned

ITEM-31: Lyric Opera San Diego 25th Anniversary Day.

DEPUTY MAYOR ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2004-937)

Recognizing the 25th anniversary of Lyric Opera San Diego, and commending them for their ongoing commitment to excellence in the performing arts in San Diego;

Proclaiming March 22, 2004 to be "Lyric Opera San Diego 25th Anniversary Day" in the City of San Diego.

REQUEST FOR CONTINUANCE

The Council will now consider requests to continue specific items.

CONSENT ITEMS

The following listed items are considered to be routine, and the appropriate Environmental Impact Reports have been considered. These items are indicated on the docket by a preceding asterisk (*).

ORDINANCE INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

Items 50.

RESOLUTIONS TO BE ADOPTED:

Items 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, and 110.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCE INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING
WITH THE READING AND ADOPTION:

* ITEM-50: Dedicating City-Owned Land, Black Mountain Park, for a Public Park.

(Rancho Penasquitos Community Area. District-1.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 3/8/2004 (Council voted 8 to 0.
Councilmember Madaffer not present.):

(O-2004-41)

Setting aside and dedicating City-owned land, known as Black Mountain Park in
the City of San Diego, California, for a public park;

Declaring that the City of San Diego specifically reserves the right to establish
underground public service easements under, through and across the dedicated
property so long as the construction and maintenance of the subject easement do
not substantially negatively impact the availability of the property for use for park
and recreational purposes.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-100: Agreement with DeLoitte and Touche LLP for Audit and Expert Witness Fees related to the Case of City vs. Civic Center Associates.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-931)

Authorizing the City Manager to enter into an agreement with DeLoitte and Touche LLP and to pay \$600,000 for expert witness and lease audit fees related to the case of City of San Diego vs. Civic Center Associates, San Diego Superior Court Case No. GIC 793213 from the Public Liability Fund.

SUPPORTING INFORMATION:

The City Attorney's Office, at Council direction, pursued the Plaintiff's case, City of San Diego vs. Civic Center Associates, San Diego Superior Court Case No. GIC 793213. Senior Deputy City Attorney James M. Chapin obtained a verdict for the City in the amount of \$3,000,000, which amount was deposited into the City's General Fund. Lease audit fees and expert witness fees in the amount of \$600,000 were incurred in the pursuit of this claim. Additionally, general litigation costs in the total of \$3,183.66 were incurred.

This action seeks to authorize an agreement to pay DeLoitte and Touche LLP, \$600,000 for audit and expert witness fees from the Public Liability Fund.

Ewell/None/JMC

Aud. Cert. 2400875.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-101: Participation Agreement with Naval Housing Developer for the Design and Construction of the wastewater Mains at the Liberty Station.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-663)

Authorizing the City Manager to enter into a Participation Agreement with San Diego Family Housing, LLC., for reimbursement of costs associated with the design and construction of approximately 1900 linear feet of 36" sewer main at the Liberty Station (Naval Training Center) for an amount not to exceed \$2,080,843;

Authorizing the expenditure of an amount not to exceed \$2,115,843 from Sewer Revenue Fund No. 41506, CIP-44-001.0, Sewer Main Annual Allocation, for the purpose of funding the Participation Agreement, in-house engineering, and related costs.

CITY MANAGER SUPPORTING INFORMATION:

The Metropolitan Wastewater Department has classified the East Point Loma Trunk Sewer as a Semi-Critical facility, and has identified the trunk sewer for future replacement. The Federal Government proposed military housing at development of Navy Housing at the Liberty Station (Naval Training Center), described in the site plan ("Development") The foundations for the buildings were next to sewer easement which would significantly increased the cost of sewer replacement. The soils in the area are very soft and sandy which would require special shoring techniques to protect building foundations. This Development was conditioned to build new public streets in locations that provide a superior alignment for the trunk sewer. The Developer is required to install new upgraded sewer facilities to serve the project, and relocation of the trunk sewer concurrent with this would make realignment of the trunk sewer possible. This improvement to the public wastewater system includes the installation of approximately 1900 linear feet of 36" concrete pipe with T-RIB (PVC) liner, or equivalent approved by the City, and abandonment of an existing sewer main (described in the site plan).

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-101: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

These trunk sewer improvements are necessary and are for the benefit of the City as a whole and City shall participate in the cost of the public wastewater system improvements. Staff recommends reimbursement of one hundred percent of the construction cost, provided the work is completed to the satisfaction of the City Engineer and Metropolitan Wastewater Department, except the reimbursement cost shall not in any case exceeds \$2,080,843.

FISCAL IMPACT:

The Participation agreement is not to exceed \$2,080,843 total estimated cost of this project is \$2,115,843. Funding is available for this project in Wastewater Fund 41506, Sewer Main Allocation, CIP-44-001.0, for the purpose of construction of CIP-44-222.0, Liberty Station (Navy Housing NTC).

Ewell/Christiansen/BS

Aud. Cert. 2400544.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-102: Easement Deeds for Sewer and Water Group 675.

(Peninsula and Roseville Community Areas. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-774)

Authorizing the City Manager to expend an amount not to exceed \$30,000 from Fund 41500, CIP-73083.0 (Sewer and Water Group 675/Annual Allocation-Water Main Replacement), for the acquisition, title, labor, and miscellaneous costs of property rights required for the Sewer and Water Group 675 Project.

CITY MANAGER SUPPORTING INFORMATION:

Sewer and Water Group 675 is part of the City of San Diego's continuing Annual Sewer and Water Main Replacement Program. The sewer and water mains being replaced in this project were constructed in the early 1900's and are approaching the end of their useful life. The project is located in the Peninsula Community and consists of replacing 8 and 6 inch sewer mains and 6 inch water mains. The mains are being relocated out of a canyon and into an alley requiring the acquisition of ten (10) new water and sewer easements. The project includes the construction of pedestrian ramps and resurfacing impacted streets. The streets affected by the easement deeds consist of the alleys between Ullman Street and Valemont Street and Trumbull Street and Ullman Street.

FISCAL IMPACT:

Funds in the amount of \$30,000 are available in Fund 41500, CIP-73083.0.

Herring/Griffith/BLM

Aud. Cert. 2400714.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-103: Street Dedication and Naming Rancho Toyon East of Toyon Mesa Court.

(Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-939)

Approving the acceptance of a street dedication set aside in City-owned land in the City of San Diego located within the south half, southwest quarter, northeast quarter, Section 22, Township 14 South, Range 3 West, San Bernardino Meridian, shown on Engineering Drawing No. 19981-B, and the southwest quarter, northeast quarter, Section 22, Township 14 South, Range 3 West, San Bernardino Meridian, shown on Engineering Drawing No. 19983-B;

Naming said street dedication Rancho Toyon Place, and dedicating it to public use.

CITY MANAGER SUPPORTING INFORMATION:

The street being dedicated is located easterly of Toyon Mesa Court at the easterly terminus of Rancho Toyon Place, southwesterly of SR 56 and I-15, in the Carmel Valley Community Planning Area in Council District 1. Council is requested to approve the dedicating of City-owned land for public street purposes and naming the public street Rancho Toyon Place. The street is located in the S ½, SW ¼, NE ¼, Sec 22, T14S, R3W SBM, and in the E ½, NE ¼, SW ¼, NE ¼, Sec 22, T14S, R3W SBM, as shown on Engineering Drawing Nos. 19981-B and 19983-B. The dedication of this street is required to provide access and allow development to the proposed Cielo Del Mar subdivision to the east, and has been designed to correspond with the approved Tentative Map and improvement plans for Cielo Del Mar.

Staff recommends approval.

Ewell/Broughton/GRB

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-104: Justice Judith L. Haller Day.

COUNCILMEMBER PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2004-948)

Declaring March 19, 2004 to be "Justice Judith L. Haller Day" in the City of San Diego.

* ITEM-105: National Ataxia Foundation.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-920)

Recognizing National Ataxia Foundation (NAF) for the commitment and dedication to research and creating awareness of hereditary Ataxia.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-106: Appointment and Reappointments to the Balboa Park Committee.

(See memorandum from Mayor Murphy dated 3/15/2004, with resumes attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-953)

Council confirmation of the following appointment and reappointments by the Mayor, to serve as members of the Balboa Park Committee, for terms ending as indicated:

<u>NAME</u>	<u>TERM ENDING</u>	<u>NOMINATED BY</u>
Joyce Summer CCAC Representative	March 1, 2006	Centre City Advisory Committee (CCAC)
Darlene Gould Davies, Chair (Reappointed)	March 1, 2006	Mayor Murphy
Daniel T. Mazzella, Vice-Chair (Reappointed)	March 1, 2006	Mayor Murphy
Michael Stepner (Reappointed)	March 1, 2006	Deputy Mayor Atkins
Jeffery Y. G. Tom (Reappointed)	March 1, 2006	Deputy Mayor Atkins

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-107: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-514)

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

- * ITEM-108: Declaring a Continued State of Emergency Due to Economic Circumstances in the San Diego-Tijuana Border Region.

(District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-753)

Declaring a Continued State of Emergency due to economic circumstances in the San Diego-Tijuana border region.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-109: Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-756)

Declaring a Continued Local Health Emergency due to the spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV) for the purpose of implementing a one-year clean needle and syringe exchange program.

CITY MANAGER SUPPORTING INFORMATION:

California Health and Safety Code section 11364.7 (effective January 1, 2000) acknowledges the public health threat posed by the sharing of needles and syringes by injection drug users. The Code requires a local jurisdiction to declare a local emergency due to the existence of a critical local public health crisis in order to establish a clean needle and syringe exchange program. In order to permit development and implementation of a pilot clean needle and syringe exchange program, today's action continues the state of emergency first declared by the City Council on November 27, 2001.

- * ITEM-110: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-542)

Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEM

RESOLUTION:

ITEM-200: Red Light Photo Enforcement Program.

(See City Manager Report CMR-04-056.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-951)

Accepting the City Manager's report on the Red Light Photo Enforcement Program.

ADOPTION AGENDA, DISCUSSION, HEARINGS

SPECIAL HEARING:

ITEM-201: Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

Property: Qualcomm Stadium.

Agency Negotiator: Assistant City Attorney Leslie J. Girard, Deputy City Manager Bruce Herring, Paul Jacobs, Esq., Daniel S. Barrett, and Robert Kheel.

Negotiating Parties: City of San Diego and the San Diego Chargers.

Under Negotiation: Real Property Interests at the Qualcomm Stadium site pursuant to the recommendations of the Citizens Task Force on Chargers Issues, and pursuant to the terms of Paragraph 31 of the 1995 Agreement for the Partial Use and Occupancy of Qualcomm Stadium.

Prior to City Council discussion in Closed Session and in compliance with the Brown Act (California Government Code Section 54956.8), this item is listed on the docket **only** for public testimony.

There is no Council discussion of this item. The City Council's actions are:

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the City Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matter to Closed Session.

NOTE: Members of the public wishing to address the City Council on this item should speak "in favor" or "in opposition" to the subject.

PUBLIC NOTICE:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-250: Notice of Completion and Acceptance of Subdivision Improvement Agreement.

Notice is hereby given that the City Manager of the City of San Diego intends to file a "Notice of Completion and Acceptance of Subdivision Improvement Agreement" indicating that the improvements included in the Subdivision Improvement Agreement have been satisfactorily completed for the following subdivisions:

SUBDIVISION

COMMUNITY AREA

Torrey Hills Unit No. 19

Torrey Hills

The certification shall be recorded 15 days after the date this notice appears on the Council Docket or shortly thereafter. If any person wishes to object to the filing of this notice, such person should communicate the objection on or before that date to the Director of Development Services or to the Subdivision Engineer, City Operations Building, 1222 First Avenue (MS 507), San Diego, CA 92101.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT